

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FAITH MCLAIN, et al.,

Plaintiffs,

vs.

FRANCIS MCLAIN, et al.,

Defendants.

THE UNITED STATES OF  
AMERICA,

Intervenor  
Defendant.

CV 16-36-BLG-SPW


ORDER ON MOTION TO  
CERTIFY AND MOTION TO  
STAY

Defendant Francis (“Frank”) McLain moved the Court for an order directing entry of final judgment on the Court’s March 6, 2018, order (Doc. 131) under Federal Rule of Civil Procedure 54(b). (Doc. 297). In its 2018 order, the Court adopted the Findings and Recommendations of Judge Cavan (Doc. 122) and granted the United States’ motion to dismiss Frank’s counterclaim (Doc. 94). (Doc. 131). Frank presently seeks an entry of judgment in order to appeal the Court’s 2018 order. (Doc. 297 at 2).

The Court dismisses Frank's present motion for entry of judgment as untimely. The deadline for all motions except for the motion to strike the jury demand and motions in limine was December 10, 2021. (Doc. 288 (deadlines for motion to strike jury demand and motions in limine); Doc. 262 (deadline for all other motions)). Because Frank did not file his Rule 54(b) motion until September 16, 2022, his motion is untimely. His associated motion to stay the case pending appeal (Doc. 303) is untimely for the same reason.

IT IS ORDERED that Defendant Francis McLain's Motion to Certify (Doc. 297) is DENIED. IT IS FURTHER ORDERED that Defendant Francis McLain's Motion to Stay (Doc. 303) is DENIED.

DATED this 17<sup>th</sup> day of October, 2022.

  
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SUSAN P. WATTERS  
United States District Judge